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Applicant:

McMichael, J. *et al.*

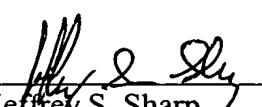
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) I hereby certify that this paper is being  
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) Assistant Commissioner for Patents,  
) Washington, D.C. 20231 on this date:  
)  
)  
) September 20, 2001  
)  
)   
) Jeffrey S. Sharp  
) Registration No. 31,879  
) Attorney for Applicants

TERMINAL DISCLAIMER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Milkhaus Laboratories, Inc., a Delaware corporation, Corner of Westfall & Larry Hill Rd., R.D.1, Delanson, New York 12053, is the assignee of the entire right, title, and interest in the above-captioned patent application by virtue of an assignment recorded on August 24, 2000 at Reel 11125, Frame 0401 in addition to an incorrect recordation on May 8, 2000 at Reel 10796, Frame 0065, and the assignee of U.S. Patent No. 6,100,244 ('244 Patent') by virtue of an assignment recorded on April 20, 1998 at Reel 9121, Frame 0589 during prosecution of U.S. application Ser. No. 09/034,895 (the parent application of the '244 Patent).

The assignee, through its undersigned attorney, hereby disclaims the terminal portion of the term of any patent granted on the above-captioned patent application extending beyond the expiration date of the '244 Patent and hereby agrees that any patent so granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title to said patent and the legal title to the '244 Patent are commonly owned, this agreement

to run with any patent granted on the above-captioned patent application and to be binding upon assignee and its successors or assigns.

The assignee does not disclaim any terminal portion of the term of any patent granted on the above-captioned patent application prior to the expiration date of the full statutory term of the '244 Patent, in the event that the '244 Patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The assignments recorded on May 8, 2000 at Reel 10796, Frame 0065, August 24, 2000 at Reel 11125, Frame 0401 and April 20, 1998 at Reel 9121, Frame 0589 establish the assignee's chain of title from the inventors. The documents establishing the assignee's chain of title have been reviewed by the undersigned and the undersigned certifies that, to the best of his knowledge and belief, title is in the assignee.


Submitted herewith is a check in the amount of \$55.00 to cover the fee set forth in 37 C.F.R. § 1.20(d) for filing this paper.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

September 20, 2001

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